

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Jamie Davis,

Plaintiff,

v.

Diversified Consultants, Inc.; and
DOES 1-10, inclusive,

Defendant.

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: Civil Action No.: 1:13-cv-10875-FDS
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**DECLARATION OF SERGEI LEMBERG IN SUPPORT OF
PLAINTIFF'S RESPONSE IN OPPOSITION TO DIVERSIFIED CONSULTANTS,
INC.'S MOTION FOR STAY OF SUMMARY JUDGMENT AND TRIAL DATES**

Pursuant to 28 U.S.C. § 1746, Sergei Lemberg hereby declares as follows:

1. My name is Sergei Lemberg. I am an attorney admitted to the United States District Court for the District of Massachusetts and I make this Declaration based upon personal knowledge of all matters stated herein. I am a principal partner at the law firm of Lemberg Law, LLC. I am an attorney of record for Plaintiff, and I am familiar with all the facts and circumstances in this action.

2. Annexed hereto as Exhibit A is a true and accurate copy of the U.S. District Court for the Eastern District of Missouri order denying a motion for class certification in *O'Connor v. Diversified Consultants, Inc.*, 4:1-CV-01722-RWS (E.D. Mo. May 28, 2013).

3. Annexed hereto as Exhibit B is a true and accurate copy of Diversified Consultants, Inc., website pages retrieved on February 26, 2014.

4. Annexed hereto as Exhibit C is a true and accurate copy of a LiveVox telephone dialing system produced by Diversified Consultants, Inc. ("DCI"), in the course of discovery.

5. Annexed hereto as Exhibit D is a deposition transcript of Mavis-Ann Kohn-Pye, a Fed. R. Civ. Pr. 30(b)(6) designated representative of DCI.

6. Annexed hereto as Exhibit E is a true and accurate copy of the following FCC report and order: *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Report and Order*, CG Docket No. 02-278, 18 FCC Rcd 14014 (July 3, 2003).

7. Annexed hereto as Exhibit F is a true and accurate copy of the following Federal Communications Commission (“FCC”) ruling: *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Request of ACA International for Clarification and Declaratory Ruling*, CG Docket No. 02-278, 23 FCC Rcd 559 (Jan. 4, 2008).

8. Annexed hereto as Exhibit G is a true and accurate copy of the U.S. District Court for the District of Arizona order denying a motion to dismiss in *Reid v. I.C. System, Inc.*, 2:12-CV-02661-ROS, Doc. No. 18 (D. Ariz., Sept. 3, 2013).

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge. Executed on March 17, 2014.

By /s/ Sergei Lemberg
Sergei Lemberg, Esq.